

by the State and approved by EPA pursuant to section 303 of the Federal Water Pollution Control Act or promulgated by EPA pursuant to that section.

(c) *Coastal waters*. Generally, those US waters navigable by or to be established by deep draft vessels, the contiguous zone, the high seas, and other waters subject to tidal influence.

(d) *Contiguous zone*. The entire zone established by the United States or to be established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 200 miles seaward from the baseline from which the territorial sea is measured.

(e) *Discharge*. Includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping. For the purpose of the Spill Prevention Control and Countermeasure Plan (SPCC Plan) and the Installation Spill Contingency Plan (ISCP), the term discharge will not include any discharge of oil which is authorized by a permit issued by a Federal or State authority; i.e., issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 *et seq.*, 33 U.S.C. 1251 *et seq.*).

(f) *Discharge classifications*. The following classifications are provided for guidance and serve as criteria for reporting and general response actions. They are not meant to imply or connote associated degree of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern will be classed as a major discharge, notwithstanding the following quantitative measures.

(1) *Minor discharge*. A discharge to the inland waters of less than 1000 gallons of oil, or a discharge of less than 10,000 gallons of oil to the coastal waters.

(2) *Medium discharge*. A discharge of 1,000 to 10,000 gallons of oil to the inland waters, or a discharge of 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous sub-

stance in a harmful quantity as defined in EPA or Army regulations.

(3) *Major discharge*. A discharge of more than 10,000 gallons of oil to the inland waters, or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(g) *Hazardous substance*. An element or compound, or mixture, (other than oil) which, when discharged in any quantity onto land or into or upon navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shorelines, and beaches; (e.g., hazardous substances include strong acids, strong bases, potentially toxic pesticides, or other bulk-stored chemicals used in manufacturing processes and maintenance or repair operations).

(h) *Inland waters*. Generally, those waters upstream from coastal waters.

(i) *Installation on-scene coordinator (IOSC)*. The official predesignated by the Army Installation Commander to coordinate and direct Army control and cleanup efforts at the scene of an oil or hazardous substance discharge on or adjacent to an Army installation.

(j) *Installation response team (IRT)*. Those collective individuals on an installation designated to act in an emergency to perform those functions directed by the IOSC.

(k) *National Response Center (NRC)*. The Washington, DC, headquarters for coordinating activities relative to pollution emergencies. It is located at Headquarters, USCG.

(l) *National Response Team (NRT)*. A team of representatives from the primary and advisory agencies which serves as the national body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency.

(m) *Navigable waters of the United States*. "Navigable waters" as defined in section 502(7) of the FWPCA and

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

(n) *Nontransportation-related onshore and offshore facilities*. Includes, but is not limited to, oil storage facilities and related equipment and appurtenances, as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps, and drainage systems used in the storage of oil. These facilities include—

(1) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(2) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(3) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(4) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(o) *Offshore facility*. Any facility of any kind located in, on, or under any of the navigable waters of the United States, other than a vessel or public vessel.

(p) *Oil*. Oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. The terms “oil” and

“POL” are used interchangeably in this regulation.

(q) *On-scene coordinator (OSC)*. The Federal official predesignated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts in approved regional contingency plans at the scene of an oil or hazardous substance discharge.

(r) *Onshore facility*. Any facility located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(s) *Person*. Includes any individual, firm, corporation, association, and partnership.

(t) *Potential discharge*. Any incident or circumstance which threatens to result in the discharge of oil or a hazardous substance.

(u) *Primary agencies*. Federal departments or agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of the National Oil and Hazardous Substances Pollution Contingency Plan. These agencies are the Departments of Commerce, Interior, Transportation, Defense, and the Environmental Protection Agency (EPA).

(v) *Public health or welfare*. All factors affecting the health and welfare of man. They include but are not limited to, human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(w) *Public vessel*. A vessel owned or barefoot chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(x) *Regional administrator*. The Regional Administrator of the EPA, or his designee, in and for the region in which the facility is located.

(y) *Regional Response Center (RRC)*. The Federal regional site for the control of pollution emergency response activities. It provides communications, information storage, and necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

(z) *Regional Response Team (RRT)*. A team of regional Federal representatives of the primary or selected advisory agencies, which acts within its region as an emergency response team performing functions similar to those of the NRT.

(aa) *Sheen*. An iridescent appearance on the surface of water.

(bb) *Sludge*. An aggregate of oil or oil and other matter of any kind having a combined specific gravity equivalent to or greater than water.

(cc) *Spill event*. A discharge of oil or hazardous substance on land or into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities. For oil, a harmful quantity is that oil in excess of established State water quality standards; or that which causes a film, sheen, or discoloration on the surface of the water or adjoining shorelines; or quantities in excess of 1,000 U.S. gallons on land. For other hazardous substances, quantity guidelines will be published by DAEN-ZCE when information is developed by EPA.

(dd) *Toxic pollutant*. Those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such organisms or their offspring.

(ee) *Vessel*. Every type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

§ 650.204 Policies.

(a) A capability will be established and maintained to respond in emergency situations to promptly contain and clean up accidental DA-caused oil discharges and spills of hazardous and toxic substances that occur at or near Army installations and activities.

(b) Assistance will be provided to contain and clean up non-DA-caused spills under the provisions of the Na-

tional Oil and Hazardous Substances Pollution Contingency Plan consistent with operational commitments.

(c) All materials (including oils, fuels, petroleum products, and other hazardous chemicals) will be handled, used, and stored to avoid or minimize the possibility of an accidental spill and potential pollution of land, air, and water.

(d) Storage facilities for oil and other hazardous substances (at date described herein) will be designed to incorporate such safeguards as dikes, catchment areas, and relief vessels to contain the flow of oil and hazardous liquids and to minimize the contamination of land and water resources.

(e) DA agencies will cooperate with the Council on Environmental Quality, Department of Interior, Department of Transportation, the Environmental Protection Agency, and the Department of Commerce in the planning and execution of activities to minimize the possibility of discharges or mitigating the effects of spills, wherever they occur.

(f) Contracts for disposal of oil or other wastes will contain provisions that require the disposal method to be in accordance with Federal, State, and/or local regulations and standards.

(g) Each installation or activity with the capability of storing, dispensing or discharging oils, oil products, and bulk quantities of liquid toxic and hazardous substances will prepare, maintain and implement a current SPCC Plan and an ISCP as specified herein. (The requirements for a spill prevention plan and a spill contingency plan may be satisfied by one plan with two distinctive sections—SPCC and ISCP.)

§ 650.205 Implementing guidelines.

(a) The willful discharge of oil, petroleum products or hazardous and toxic substances from installations, vehicles, aircraft, and watercraft onto land or into waters is prohibited except in cases of extreme emergency and if considered essential for the protection of human life. Every reasonable precaution, therefore, will be taken to prevent the accidental discharge of oil or petroleum products on land or water or their vapors to the air.